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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/098,279 06/16/98 THOMAS

C ATC97-1

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WM01/0925

EXAMINER

VO, T

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 09/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/098,279

Applicant(s)

THOMAS ET AL.

Examiner

Tung T. Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on 8/23/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/098,279 is acceptable and a CPA has been established. An action on the CPA follows.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman (US 5,396,284) in view of Cohen (US 5,812,054) and further in view of Namekawa (US 6,237,027).

Re claims 1, 2, 4, 5, and 7, Freeman discloses a surveillance method (fig. 1) for providing remote surveillance of an internal area of a building (60 of fig. 1) wherein the steps comprising: receiving a surveillance image from a local camera (C1...Cn), (102 and 104 of fig. 6); comparing the surveillance image with a reference image to produce a comparison result (130 of fig. 6); detecting presence of a activity condition based on the comparison result (136, 138 of fig. 6);

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notifying an interested user of the activity condition when the presence of the activity condition is detected (138 of fig. 6).

Freeman further discloses wherein the detecting of the presence of the activity condition comprising comparing the comparison result with a predetermined threshold (132 of fig. 6), detecting the presence of the activity condition when the comparison result exceeds the predetermined threshold (col. 9, lines 1-30) and the lack of presence activity condition when the comparison result does not exceeds the predetermined threshold; wherein the CPU (140 of fig.1) receiving the comparison result for generating alarm signals; wherein a memory (50 of fig. 1) for storing a sequence of images to obtain a visual record or alarm condition (col. 3, lines 33-41). Freeman also teaches an interface I/O (48 of fig. 1) for bi-directionally communicating with the central controller TDM via signal line (50 of fig. 1). This suggests the Freeman system would have obviously capability to connect the interface I/O 48 to any conventional via line through Internet or Network.

It is noted that Freeman fails to specifically disclose method for notifying an interested user of activity by automatically transmitting a surveillance image to a remote computer over a network based upon an alarm condition as specified in claims 1 and 26. However, *Alone kawa* teaches a device for the verification of an alarm (fig. 1) comprises a central station, premises station, where the premises station is automatically transmit video and/or audio signal to the central station via the telephone network (PSTN) line(s) (12 of fig. 1) to a video/audio receivers (6 of fig. 1) based upon the verification of the alarm from an alarm control panel (2 of fig. 1) (see also cols. 1, 7 and 8; figs. 2 and 3). Taking the respective teachings of Cohen and Freeman together as a whole, it would have been obvious to one of ordinary skill in the art to modify the

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teachings of Cohen into the system of Freeman for the same purpose of automatically transmitting the video signal to the central station to advantageously view the activity condition the caused the signaling or the alarm condition as disclosed by Cohen (col. 7, lines 47-60).

Since the combination of Freeman and Cohen above teaches all limitations except the message contains the surveillance image. However, Namekawa teaches the remote monitoring system for checking the notification would contain an attachment (SP 24 and SP25 of fig. 7) as interpreted the ~~video~~<sup>video</sup> clip, or video attachment; this obviously suggest that the surveillance image automatically sends to the remote location for viewing. Therefore, it would have been obvious to one skill in the art to modify the teachings of Namekawa into the combination of Freeman and Cohen for using in the general computer purpose. Doing so would allow the user would view directly activity that would reduce time and cost of the system.

1. Claims 8, 9, and 11-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (US 5,717,379) in view of Cohen (US 5,812,054) and further in view of Fansa et al. (US 5,861,804).

Re claims 8, 9, and 12-25, Peters discloses a system for providing remote monitoring of a location comprising: a camera (C of fig. 1) for obtaining an image of the location; a remote computer (2 of fig. 1) having a display device capable of viewing images; a local image controller (BT of fig. 1) for control the camera to determine whether an activity condition is present (col. 2, lines 20-41); wherein the image is captured by the camera (C of fig. 1) transmitted by the telecommunications network (col. 2, lines 1-8) (ISDN), wherein a network connection to the Internet, the monitoring system can connected to a data link such as a

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telecommunications network ISDN (col. 3, lines 18-29); wherein the control system determined an activity condition is present based on the image, and motion indication signal (col. 2), an alarm condition (col. 3, lines 49-54).

It is noted that the system of Peters is able to transmit the video signal based upon the alarm condition over the network (ISDN) connected Internet. Peters fails to specifically disclose automatically forward images to remote computer of a network when activity condition is present. However, Cohen teaches a device for the verification of an alarm (fig. 1) comprises a central station, premises station, where the premises station is automatically forward video and/or audio signal to the central station via the telephone network (PSTN) line(s) (12 of fig. 1) to a video/audio receivers (6 of fig. 1) when the activity is present. Taking the respective teachings of Cohen and Peters together as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cohen into the system of Freeman for the same purpose of automatically forward the video signal to the central station to advantageously view the present activity based upon alarm condition as disclosed by Cohen (col. 7, lines 47-60).

Re claim 11, since Cohen system automatically transmits the video image over the network, a video clip of the video signal would inherently be transmitted to enable viewing of the activity condition from the premise station by the monitor of the central station as disclose in fig. 1 of Cohen. Cohen further suggests the use of a modem and a public switch telephone network (PSTN) for automatically transmitting the video image from the protected premises to the central station (fig. 1). This would inherently provide the possibility of using E-mail messages and Internet as shown in claim 11.

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It is noted that the combination of Cohen and Peters teaches all limitations in the claimed invention above except a general-purpose computer. However, Fansa teaches the computer controlled security and surveillance system so the system is used for the general purpose computer that suggests sending the surveillance image to the remote location for viewing (fig. 1). Therefore, it would have been obvious to one skill in the art to modify the teachings of Fansa into the combination of Freeman and Cohen for using in the general computer purpose. Doing so would allow the user would view directly activity that would reduce time and cost of the system.

Re claims 26-31, see analysis in claims 8, 9, and 11-25.

It is noted that Vaio (US 6,271,752) and Lerg et al. (US 6,288,643) teach the system has a notification message include video clip transmitted to the remote location for viewing can anticipated the claimed invention.

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ozery (US 5,892,442) discloses two-way pager alarm system.

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***Contact Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on M-F 7:30AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Tung T. Vo  
Examiner  
Art Unit 2613

T.Vo.  
September 17, 2001

  
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